UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF NEW YORK

VIACOM INTERNATIONAL, INC., COMEDY PARTNERS, COUNTRY MUSIC. TELEVISION, INC., PARAMOUNT PICTURES CORPORATION, and BLACK ENTERTAINMENT TELEVISION, LLC,	)	
Plaintiffs,	)	
vs.	)	NO. 07-CV-2103
YOUTUBE, INC., YOUTUBE, LLC, and GOOGLE, INC.,	)	
Defendants.	)	
THE FOOTBALL ASSOCIATION PREMIER LEAGUE LIMITED, BOURNE CO., et al., on behalf of themselves and all others similarly situated,	)	
Plaintiffs,	)	
vs.	)	NO. 07-CV-3582
YOUTUBE, INC., YOUTUBE, LLC, and GOOGLE, INC.,	)	
Defendants.	)	

VIDEOTAPED DEPOSITION OF KENT WALKER
PALO ALTO, CALIFORNIA
THURSDAY, DECEMBER 17, 2009

BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CLR
CSR LICENSE NO. 9830
JOB NO. 18312

DECEMBER 17, 2009

9:05 a.m.

VIDEOTAPED DEPOSITION OF KENT WALKER, MAYER BROWN, Two Palo Alto Square, Suite 300, Palo Alto, California, pursuant to notice, and before me, ANDREA M. IGNACIO HOWARD, CLR, RPR, CRR, CSR License No. 9830.

A P P E A R A N C E S:

FOR THE PLAINTIFFS VIACOM INTERNATIONAL, INC.:

JENNER & BLOCK, LLP
By: MICHAEL DESANCTIS, Esq.
SARAH MAGUIRE, Esq.
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FOR THE ENGLISH PREMIER LEAGUE:

PROSKAUER ROSE, LLP
By: GIL N. PELES, Esq.
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FOR THE DEFENDANTS YOUTUBE, INC., YOUTUBE, LLC and GOOGLE, INC.:

MAYER BROWN, LLP
By: ANDREW H. SCHAPIRO, Esq.
1675 Broadway
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(212) 506-2146 aschapiro@mayer.com

A P P E A R A N C E S (Continued.)

ALSO PRESENT: Catherine Lacavera, Google, Inc.

Stewart Pettigrew, Videographer.

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WALKER, KENT

PALO ALTO, CALIFORNIA

09:03:58 THURSDAY, DECEMBER 17, 2009

09:03:58 9:05 a.m.

09:03:59

09:04:07 THE VIDEOGRAPHER: Today's videotaped
09:04:09 deposition of Kent Walker is taken on December 17,
09:04:13 2009, at Mayer Brown, at Two Palo Alto Square,
09:04:18 Suite 300, 3000 El Camino, Palo Alto, California.
09:04:22 In the matter of Viacom International, Inc.,
09:04:22 and others, The Football Association Premier League,
09:04:32 Ltd., and others versus YouTube, Inc., and others.
09:04:32 Cases No. 07-CV-2103 and 07-CV-3582 in the
09:04:44 United States District Court for the Southern District
09:04:46 of New York.
09:04:47 My name is Stewart Pettigrew. I represent
09:04:50 David Feldman Worldwide, located at 600 Anton
09:04:55 Boulevard, Suite 1100, Costa Mesa, California.
09:05:00 We are now commencing at approximately
09:05:01 9:05 a.m.
09:05:02 Will all present please identify themselves,
09:05:06 beginning with the witness.
09:05:06 THE WITNESS: I'm Kent Walker, general
09:05:08 counsel of Google, Inc.
09:05:10 MR. SCHAPIRO: Andy Schapiro from Mayer Brown

09:05:10 for the defendants.

09:05:10 MS. LACAVERA: Catherine Lacavera, in-house

09:05:10 counsel at Google for Google and the witness.

09:05:10 MR. PELES: Gil Peles from Proskauer Rose on

09:05:20 behalf of The Premier League plaintiffs.

09:05:20 MS. MAGUIRE: Sarah Maguire, Jenner & Block,

09:05:22 on behalf of Viacom.

09:05:22 MR. DESANCTIS: And Michael DeSanctis,

09:05:25 Jenner & Block for the Viacom plaintiffs.

09:05:27 THE VIDEOGRAPHER: Thank you.

09:05:28 Please swear in the witness.

09:05:28

09:05:28 KENT WALKER,

09:05:28 having been sworn as a witness,

09:05:38 testified as follows:

09:05:38

09:05:39 THE VIDEOGRAPHER: Please begin.

09:05:39

09:05:40 EXAMINATION BY MR. DESANCTIS

09:05:40 MR. DESANCTIS: Q. Good morning.

09:05:41 A Good morning.

09:05:41 Q Could you please state and spell your name

09:05:43 for the record?

09:05:43 A Sure.

09:05:44 It's Kent Walker, K-E-N-T, W-A-L-K-E-R.

09:05:48 Q Mr. Walker, have you ever had your deposition taken before?

09:05:52 A No, I have not.

09:05:54 Q Okay. Have you ever sat in on depositions?

09:05:56 A Yes, I have.

09:05:56 Q Have you ever taken a deposition?

09:05:58 A One, I believe.

09:05:59 Q Okay. I know you're an attorney; correct?

09:06:02 A Yes.

09:06:03 Q So I won't bore you with the details, but it's an easy process. I ask you questions; you give me answers.

09:06:09 One thing is important, however. If you don't understand my questions, please let me know. Ask me to restate, tell me what the problem is, so that we're both sure that we have a -- a straightforward conversation; okay?

09:06:24 A Sure.

09:06:25 Q Great.

09:06:26 And I'll remind you that we need verbal answers, as opposed to nods of the head, so that it's picked up by the court reporter.

09:06:33 A Okay.

09:06:34 Q With whom are you currently employed,
09:06:36 Mr. Walker?
09:06:37 A Google.
09:06:37 Q And what is your position there?
09:06:39 A I am vice president and general counsel.
09:06:41 Q Does that mean you are the chief or highest
09:06:45 ranking legal officer at Google, Inc.?
09:06:47 A No.
09:06:47 MR. SCHAPIRO: Objection; vague.
09:06:48 You may answer.
09:06:49 THE WITNESS: No.
09:06:50 MR. DESANCTIS: Q. Who is?
09:06:51 A David Drummond.
09:06:54 Q Okay. What is his title?
09:06:55 A Chief legal officer and senior vice president
09:06:58 for corporate development, I believe. That's close.
09:07:00 Q Do you report to Mr. Drummond?
09:07:01 A Yes, I do.
09:07:02 Q And to whom does Mr. Drummond report?
09:07:05 A Eric Schmidt.
09:07:06 MR. SCHAPIRO: I just want to ask that you
09:07:08 pause for one second --
09:07:09 THE WITNESS: Yes.
09:07:09 MR. SCHAPIRO: -- before answering --

09:07:10 THE WITNESS: Yes.

09:07:11 MR. SCHAPIRO: -- so that I may object.

09:07:11 THE WITNESS: Fair enough.

09:07:15 And, in general, I -- for the benefit of the court reporter, I tend to speak very quickly. Please let me know if I'm going too fast for you to transcribe.

09:07:22 MR. DESANCTIS: She will. I've seen her do it before.

09:07:24 THE WITNESS: Yes.

09:07:24 MR. DESANCTIS: Okay.

09:07:26 Q How long have you had your current title at Google, Inc.?

09:07:30 A Approximately three years.

09:07:31 Q Were you in any other positions at Google, Inc., before your current title?

09:07:44 A No.

09:07:44 Q So you've been at Google, Inc., for three years?

09:07:48 A Yes.

09:07:48 Q Okay. You started when?

09:07:50 A November of 2006.

09:07:59 Q Where when -- where were you employed before that?

09:08:00